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JUL 3 1 2007

OFFICE OF PETITIONS

In re Patent No. 7,217,805 : DECISION ON REQUEST
Imanishi et al. : FOR RECONSIDERATION OF
Issue Date: May 15, 2007 : DECISION ON APPLICATION
Application No. 10/054,300 : FOR PATENT TERM ADJUSTMENT
Filed: January 22, 2002 : and
Atty Docket No. 01834CIP/HG : NOTICE OF INTENT TO ISSUE
: CERTIFICATE OF CORRECTION

This is in response to the request for reconsideration of decision on the APPLICATION FOR PATENT TERM ADJUSTMENT INCLUDING REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT INDICATED IN NOTICE OF ALLOWANCE (37 CFR §1.705)" mailed April 10, 2007. Applicants request that the revised patent term adjustment be corrected from one thousand thirty-three (1033) as stated in the decision to one thousand one hundred nineteen (1119) days.

The request for reconsideration of decision on application for patent term adjustment is **GRANTED**.

The patent term adjustment indicated in the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of one thousand one hundred nineteen (**1119**) days.

By decision mailed April 10, 2007, the application for patent term adjustment filed February 2, 2007 was granted-in-part. Based on the undersigned's review of the application history, a period of reduction pursuant 37 CFR 1.704(c)(7) for the filing of a response on April 1, 2004. It was concluded that the record supported a conclusion that there were omissions in applicants' response as originally filed April 16, 2002 (and resubmitted January 6, 2004). Thus, a period of reduction of 86

days for the period beginning on the day after the date the reply having an omission was filed, January 7, 2004, and ending on the date that the reply or other paper correcting the omission was filed, April 1, 2004 is properly entered.

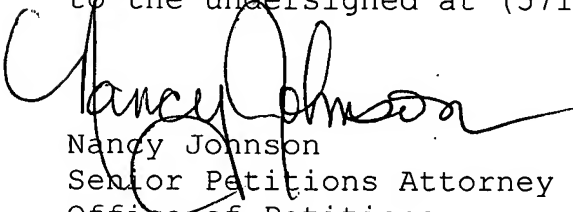
The instant renewed petition was timely filed within 2 months of the mailing date of the decision. On instant request for reconsideration, petitioner further explains the circumstances of the filing of the papers on January 6, 2004 and April 1, 2004. In light of these comments, the record was further reviewed. The "Request for Substitute Papers" of record corroborate petitioner's claim that there was no failure to engage within the meaning of 37 CFR 1.704(c)(7). Specifically, a review of these papers as well as the resubmissions, in light of petitioner's comments, supports a conclusion that the submission of substitute papers was not due to an omission by applicants, but due to the original papers being damaged in the "United States Postal Service sanitization process." Accordingly, the reduction of 86 days pursuant to 37 CFR 1.704(c)(7) is not warranted and has been removed.

In view thereof, the correct determination of patent term adjustment at the time of the mailing of the Notice of Allowance (and the revised patent term adjustment indicated on the patent) is one thousand one hundred nineteen (1119) days.

No fee is required with this request for reconsideration.

The application file is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction in order to rectify this error. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by one thousand one hundred nineteen **(1119)** days.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.



Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,217,805 B2

DATED : May 15, 2007

INVENTOR(S) : Imanishi et al.

DRAFT

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by (1033) days

Delete the phrase "by 1033" and insert – by 1119 days--